

JS-6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

MARIBEL NAVARRO,  
Petitioner,  
v.  
ELISEO RICOLCOL, Warden,  
Respondent.

Case No. ED CV 23-1528 DMG (MRW)

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

The Court dismisses this state habeas action without prejudice as moot due to Petitioner's release from custody.

\* \* \*

1. Petitioner was convicted of federal health care fraud charges. At the time of the filing of this habeas petition, she was serving her 15-month prison term at the federal facility in Victorville. [Doc. # 10 at 3–4.]

2. Petitioner filed this habeas petition in July 2023 under 28 U.S.C. § 2241. She contended that she earned sufficient credits under the First Step Act to be eligible for early release from custody to home confinement. [Doc. # 1 at 1–2.]



1 habeas petition[.] Therefore, the district court could not grant him any effective  
 2 relief.”) (citing *Burnett v. Lampert*, 432 F.3d 996, 999–1000 (9th Cir. 2005));  
 3 *Munoz v. Rowland*, 104 F.3d 1096, 1097–98 (9th Cir. 1997) (“Because Munoz  
 4 has been released from custody in the interim, we dismiss this appeal as  
 5 moot[. W]e can no longer provide him the primary relief sought in his habeas  
 6 corpus petition.).

7 7. Dismissal of Petitioner’s action is warranted. Her claim in this  
 8 federal court was the calculation of applicable prison credits and the appropriate  
 9 length of her custodial term. The record before the Court (the government’s  
 10 submission and the BOP’s database) establishes that Petitioner is no longer in  
 11 custody.<sup>2</sup> As a result, the Court cannot give her the relief – release from prison –  
 12 that she originally requested when she filed this petition. Petitioner’s action is  
 13 moot. *Bonneau*, 503 F. App’x 544; *Munoz*, 104 F.3d at 1097-98.

14 8. Therefore, the present action is DISMISSED without prejudice.

15 IT IS SO ORDERED.

16  
 17 DATED: November 13, 2023

  
 18 DOLLY M. GEE  
 19 UNITED STATES DISTRICT JUDGE

20 Presented by:

21   
 22  
 23

24 HON. MICHAEL R. WILNER  
 25 UNITED STATES MAGISTRATE JUDGE

26 <sup>2</sup> Judge Wilner advises that Petitioner has not yet responded to either the original  
 27 dismissal motion or the government’s recent suggestion of mootness. She also has not  
 28 updated her mailing address with the Clerk to reflect a different, non-custodial residence.  
 Nevertheless, it would be inefficient for the Court to wait for a response, issue an order to  
 show cause, or undertake other proceedings when it is apparent that Petitioner’s habeas action  
 should be terminated for mootness.